

REMARKS

Claim 1 is canceled. Claim 2 is amended. Claim 13 is new. Support for the amendment is clearly provided by the method of making the product wherein it is fully disclosed that solvent in a shaped article is removed, yet the remaining elements substantially maintain their crystal structure. Accordingly, it is clear that space lattice holes would be in the position that once was filled with the solvent molecules, now removed, and no new matter is believed to be added by the amendment above.

Claims 2-13 are pending. Favorable consideration is respectfully requested. At the outset, Applicants thank Examiner Johnson for his helpful suggestions to overcome the outstanding rejections in the Office Action and during any discussions during the time period between the issuance of the Office Action and the current filing of the documents herein, which is summarized and expanded upon below. Further, Applicants thank Examiner Johnson for indicating that the amendment above, combined with the remarks below would further favorable prosecution of the present invention.

The rejection of the claims under 35 U.S.C. § 112, second paragraph, is believed to be obviated by the above amendment combined with the remarks below. More specifically, Claim 2 has been amended to provide proper antecedent basis for “the molecular size” and “the shaped article”, as well as “the crystal structure”. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of the claims under 35 U.S.C. § 102(b) and/or 103(a) over any and all combinations of Imabayashi et al., Nakano et al., and/or Sugaya et al. are believed to be obviated by the above amendment combined with the remarks below.

The present invention relates, in part, to an absorbent and method of making the same by forming a complex of a substantially syndiotactic styrene polymer with at least one selected from an organic compound and a solvent having a molecular size equivalent to that

of the organic compound; shaping the complex into a shaped article having a crystal lattice structure wherein the article comprises the polymer and at least one selected from an organic compound and a solvent; and removing the organic compound or the solvent from the shaped article without substantially changing crystal structure of the styrene polymer in the shaped article; thereby producing crystal lattice holes that are substantially the same size as the molecular size of the organic compound or solvent removed.

Imabayashi et al. discloses, at best, a charging a reactor with styrene monomer with water, elevating the temperature, reacting, and stirring to initiate batch bulk polymerization and obtain styrene-based polymers. However, Imabayashi et al. fail to disclose or suggest a method of making an absorbent. Further, Imabayashi et al. fail to disclose or suggest forming a complex of a substantially syndiotactic styrene polymer with at least one selected from an organic compound and a solvent having a molecular size equivalent to that of the organic compound. Also, Imabayashi et al. fail to disclose or suggest shaping the complex into a shaped article having a crystal lattice structure wherein the article comprises the polymer and at least one selected from an organic compound and a solvent; and then removing the organic compound or the solvent from the shaped article without substantially changing crystal structure of the styrene polymer in the shaped article.

Applicants do not understand how the claims could possibly be anticipated and/or obvious by Imabayashi et al. since not all of the claimed limitations are disclosed therein, much less suggested.

Nakano et al. discloses, at best, disclose a styrene polymer composition and method of making the same by dissolving in an organic, molding and drying the same. However, these disclosures relied upon by the Office are taken out of context. In fact, the molding disclosed therein is a generally taught to occur after the styrene polymer composition is dried. Therefore, Nakano et al. directly teaches away from removing the organic compound or the

solvent from the shaped article without substantially changing crystal structure of the styrene polymer in the shaped article thereby producing crystal lattice holes that are substantially the same size as the molecular size of the organic compound or solvent removed because the crystal structure of the styrene polymer in the shaped article would inherently be altered and the crystal lattice holes that are substantially the same size as the molecular size of the organic compound or solvent removed would be altered substantially.

Applicants do not understand how the claims could possibly be anticipated and/or obvious by Nakano et al. since not all of the claimed limitations are disclosed therein, much less suggested, especially since there is a direct teaching away therefrom the claimed invention as discussed above.

Sugaya et al. discloses, at best, a membrane that may be obtained by dissolving reactants in a solvent and then removing the solvent. Although Sugaya et al. discloses that the reactant product may be molded, shaping the complex into a shaped article having a crystal lattice structure where the article comprises the polymer and at least one selected from an organic compound and a solvent; and then removing the organic compound or the solvent from the shaped article without substantially changing crystal structure of the styrene polymer in the shaped article is totally absent from Sugaya et al. In fact, Sugaya et al. teaches that the reactant product is molded after the solvent is removed (see column 10, lines 5-15). In light of this teaching, Sugaya et al. could not possibly have considered, let alone suggest, shaping the complex into a shaped article having a crystal lattice structure where the article comprises the polymer and at least one selected from an organic compound and a solvent; and then removing the organic compound or the solvent from the shaped article without substantially changing crystal structure of the styrene polymer in a shaped article; thereby producing crystal lattice holes that are substantially the same size as the molecular size of the organic compound or solvent removed. Accordingly, the process of Sugaya et al.

produces a membrane in which the crystal structure of the reactant product is inherently altered and the crystal lattice holes that are substantially the same size as the molecular size of the organic compound or solvent removed would be altered substantially.

Imabayashi et al., Nakano et al., and Sugaya et al. clearly fail to disclose or suggest all limitations of the claimed invention as required by the MPEP (see § 2143.03 and *In re Royka* 180 USPQ 580 (CCPA 1974)). Accordingly, any combination of the above-mentioned references clearly fails to anticipate the claimed invention, much less suggest it. Additionally, it has not been pointed out to the Applicants as to where any specific motivation lies within any of the above-mentioned references that would motivate the skilled artisan reading the same to modify the process disclosed therein towards the claimed invention.

In light of the above, it appears as if the Examiner is relying on the Applicants disclosure to supply motivation to modify the disclosures of Imabayashi et al., Nakano et al., and/or Sugaya et al. to arrive at the claimed invention. However, this is clearly improper according to a recent decision by the U.S. Federal Courts in *In re Lee* (61 USPQ2D 1430 (CA FC 2002)). The *Lee* Court indicated that the Office must provide specific motivation, hint, or suggestion, found in the references relied upon to support a *prima facia* case of obviousness. In the present case, the Office appears to rely on the present specification for motivation, which is clearly forbidden according to the *Lee* Court, especially in light of explicit disclosures in the cited art that teach away from the claimed invention. In light of this decision, Applicants respectfully request the Office not to use the present specification as a guidepost to combine the disparate disclosures of the cited references (see the decision in *In re Vaeck* 20 USPQ 2d 1438).

In view of the above, any combination of Imabayashi et al., Nakano et al., and/or Sugaya et al. clearly fail to disclose, much less suggest the claimed invention. Therefore, no

Application No. 09/926,453
Reply to Office Action of August 27, 2003.

prima facia case of obviousness, much less anticipation, can possibly exist over Matsui, Suzuki, and Yu. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance; the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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